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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 NEW PEN FINANCIAL, LLC, *et al.*,

8 Plaintiffs,

9 v.

10 RIVERWALK RANCH MASTER  
11 HOMEOWNERS ASSOCIATION, *et al.*

12 Defendants.

Case No. 2:17-cv-02167-APG-DJA

**ORDER RESETTling SETTLEMENT  
CONFERENCE**

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14 A settlement conference is hereby reset for **Monday, August 24, 2020 at 10:00 a.m.** In  
15 light of recent health events, the Settlement Conference will be conducted remotely via Zoom  
16 video, with an email containing a link to the conference being provided to the attending parties  
17 the morning of the conference.

18 **NOTE: SIGNIFICANT CHANGES TO THE COURT'S SCHEDULING ORDER**  
19 **ARE LISTED BELOW.**

20 The following requirements for the SC apply:

21 **1. Attendance**

- 22 • An attorney of record who will be participating in the trial of this case, all parties  
23 appearing pro se, if any, and all individual parties must be present.
- 24 • In the case of non-individual parties, counsel must arrange for a representative  
25 with binding authority to settle this matter up to the full amount of the claim to be  
26 present for the duration of the SC.
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- If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim must also be present for the duration of the SC.
- The Court **will impose sanctions** to the extent a representative with binding authority to settle this matter up to the full amount of the claim is not present.
- A request for an exception to the above attendance requirements must be filed and served on all parties **at least 14 days** before the SC.
- An attorney of record, individual parties, a fully-authorized representative, and a fully-authorized insurance representative must appear unless the court enters an order granting a request for exception.

## **2. Time Limit**

- The SC will be limited to three (3) hours.

## **3. Request to Reschedule**

- Any requests to reschedule the SC must be submitted at least ten (10) days in advance of the scheduled date and provide a detailed reason for the request. Such requests must include at least five alternative dates on which all required participants are available to attend the SC. The parties must meet and confer on such dates prior to the filing of the request. If the request is not filed as a stipulation, any response must be filed three days after service of the request.

## **4. Settlement Conference Statement**

- In preparation for the SC, the attorneys for each party, and the parties appearing pro se, if any, must submit a confidential written evaluation statement for the court's *in camera* review.
- The evaluation statement must comply with **Local Rule 16-6(f)**.
- In addition to the information required by LR 16-6, **the following information must be contained in the SC Statement:**
  - The first paragraph must contain the names, titles and **email addresses** of ALL attendees along with a statement of their limit(s), if any, to settle.

- The entire SC Statement **must not exceed 50 pages – including exhibits.**  
The more concise the writing and more focused the exhibits, the better the undersigned will be served in understanding the case.
- The exhibits should not include any items available on the docket – citation to the ECF No. will suffice.
- If the exhibits include deposition transcripts, then they should only be excerpts with highlights on the specific statements you seek to underscore.
- History of settlement negotiations, if any, prior to the SC.
- The final paragraph must contain the opening offer or demand you will make at the SC with supporting explanation.

- The written settlement statements must be submitted by email to [Kimberly\\_LaPointe@nvd.uscourts.gov](mailto:Kimberly_LaPointe@nvd.uscourts.gov) by **noon on Monday, August 17, 2020.** Do not deliver or mail them to the clerk's office. Do not serve a copy on opposing counsel.
- The purpose of the settlement statement is to assist the undersigned in preparing for and conducting the SC. To facilitate a meaningful session, your utmost candor in providing the requested information is required.
- The written settlement statements will not be seen by or shared with the district judge or magistrate judge to whom this case is assigned. The settlement statements will be seen by no one except the undersigned and his staff.
- Each statement will be securely maintained in my chambers and will be destroyed following the closure of the case.

## **5. Sanctions**

- Failure to comply with the requirements set forth in this order will subject the non-compliant party to sanctions under Local Rule IA 11-8 or Federal Rule of Civil Procedure 16(f).

